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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,903	07/27/2001	Yongmei Cang	PU010152	8714

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/916,903

Applicant(s)

CANG ET AL.

Examiner

Scott Beliveau

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Miscellaneous***

1. Please note that the examiner of record and art unit of record for this application has changed.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because Figure 2 includes reference character "220" not mentioned in the description. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because reference to "encoder 114" should refer to "encoder 116" consistent with the figures (Page 6, Line 24). Appropriate correction is required.

***Response to Arguments***

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elenbaas et al. (US Pub No. 2005/0028194) in view of Barton (US Pat No. 6,233,389 B1).

In consideration of claim 1, the Elenbaas et al. reference discloses a "method of creating a subset of channels with programming from a plurality of channels" (Abstract). The method comprises "receiving a plurality of channels, wherein the plurality of channels comprises at

least one channel with programming” which potentially has information of interest (Para. [0017]). The system subsequently “processes at least one . . . intra and/or non-intra pictures” or MPEG based key-frames (reference pictures are synonymous with intra pictures -- Para. [0025]) to “determine which of the . . . channels contain programming to provide the subset of channels with programming” that is of interest to the user (Para. [0026], [0027], [0030], and [0031]) and “stores the subset of channels into memory” as necessary to facilitate the receiver in tuning to the programs/channels containing information of interest (Figure 3; Para. [0040]).

With respect to the particular step of “encoding”, the reference is silent other than to set forth that the processing occurs in association with “encoded intra and/or non-intra pictures”. Elenbaas et al., however, discloses that the system may be utilized with or embodied in a recording device (Para. [0041]). In an analogous art pertaining to video systems which receive video signal containing numerous channels for viewing, the Barton et al. illustrates a recording device that enables a user to simultaneously watch and record programming (Figures 1 and 2). The method, implemented by the system, comprises “receiving a plurality of channels, wherein the plurality of channels comprises at least one channel with programming” and “encoding at least a portion of a predetermined number of channels from the plurality of channels to provide a corresponding encoded intra and/or non-intra pictures for each of the predetermined number of channels” (Col 3, Line 30 – Col 4, Line 22; Col 6, Lines 47-58). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elenbaas et al. so as to “encode at least a portion of a predetermined number of channels from the plurality of channels to provide

corresponding encoded intra and/or non-intra pictures for each of the predetermined number of channels” as taught by Barton et al. and to subsequently “process at least one of the corresponding intra and/or non-intra pictures for each of the predetermined number of channels” as taught by Elenbaas et al. for the purpose of advantageously providing a means for the viewer of the personalized news retrieval system to have the ability to simultaneously record and play back TV broadcast programs in a manner that reduces processor and system requirements (Barton et al.: Col 1, Lines 52-59) and further supports the flexibility to do so for a variety of channel sources.

Claim 2 is rejected wherein the method further comprises “outputting channels exclusively corresponding to the subset of channels” (Elenbaas et al.: Figure 3; Para. [0040]).

Claim 3 is rejected wherein the method further comprises “analyzing at least a portion of an audio signal in the predetermined channels to determine which of the predetermined number of channels contain programming” of interest (Elenbaas et al.: Para. [0026]).

Claim 4 is rejected wherein “each corresponding encoded signal is an MPEG video signal containing pictures selected from the group comprising intra pictures or non-intra pictures” (Elenbaas et al.: Para. [0025]; Barton et al.: Col 6, Lines 47-58).

Claim 5 is rejected wherein the “processing step further comprises one or more of the steps selected from the group comprising: . . . analyzing discrete cosine coefficients of at least one of the intra pictures in the MPEG video signal” (Elenbaas et al.: Para. [0025]).

Claim 6 is rejected wherein the “encoding step further comprises the step of encoding at least a portion of each of the plurality of channels to provide the corresponding encoded

signal for each of the plurality of channels” such that all incoming channels/streams received by the Barton et al. system are encoded as MPEG streams (Barton et al.: Col 3, Lines 30-61).

Claim 7 is rejected wherein the “subset of channels comprises a plurality of channel indicators for identifying the channels in the subset of channels” (Elenbaas et al.: Para. [0022]).

In consideration of claim 8, the Elenbaas et al. reference discloses a “method of creating a subset of channels with programming from a plurality of channels” (Abstract). The method comprises “receiving a plurality of channels, wherein the plurality of channels comprises at least one channel with programming” which potentially have information of interest (Para. [0017]). The system subsequently “processes at least one . . . intra and/or non-intra pictures” or MPEG based key-frames and a “portion of a respective audio signal” associated with the received channels to “determine which of the . . . channels contain programming to provide a program channel” (Para. [0026], [0027], [0030], and [0031]) and “stores the subset of channels into memory” as necessary to facilitate the receiver in tuning to the programs/channels containing information of interest (Figure 3; Para. [0040]).

With respect to the particular step of “encoding”, the reference is silent other than disclose that the processing occurs in association with “encoded intra and/or non-intra pictures”. Elenbaas et al. suggests that the system may be utilized with or embodied in a recording device (Para. [0041]). In an analogous art pertaining to video systems which receive video signal containing numerous channels for viewing, the Barton et al. reference illustrates a recording device that enables a user to simultaneously watch and record programming. As illustrated in Figures 1 and 2, the “method” implemented via the system

comprises “receiving a plurality of channels, wherein the plurality of channels comprises at least one channel with programming” and “encoding at least a portion of a predetermined number of channels from the plurality of channels to provide corresponding encoded intra and/or non-intra pictures for each of the predetermined number of channels” (Col 3, Line 30 – Col 4, Line 22; Col 6, Lines 47-58). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Elenbaas et al. so as to “encode at least a portion of a predetermined number of channels from the plurality of channels to provide corresponding encoded intra and/or non-intra pictures for each of the predetermined number of channels” as taught by Barton et al. and to subsequently “process at least one of the corresponding encoded intra and/or non-intra pictures for each of the predetermined number of channels” as taught by Elenbaas et al. for the purpose of advantageously providing a means for the viewer of the personalized news retrieval system to have the ability to simultaneously record and play back TV broadcast programs in a manner that reduces processor and system requirements (Barton et al.: Col 1, Lines 52-59) and further supports the flexibility to do so for a variety or wide range of channel sources.

Claim 9 is rejected wherein the “programming on the subset of channels contains video content” (Elenbaas et al.: Para. [0017] – [0018]).

Regarding claim 10, the Elenbaas et al. reference discloses a “system for creating a subset of channels with programming from a plurality of channels” (Abstract). As illustrated in Figure 1, the system comprises a “receiver” [105] for “receiving a plurality of channels, wherein the plurality of channels comprises at least one channel with programming” which potentially has information of interest (Para. [0017]). The system further comprises a “video



processor” [100/150] that is programmed to “processes at least one . . . encoded intra and/or non-intra pictures” or MPEG based key-frames to “determine which of the . . . channels contain programming to provide the subset of channel indicators” (Para. [0026], [0027], [0030], and [0031]) and “memory” (not shown) as necessary to “store the subset of channel indicators” in order to facilitate the receiver to tune to the programs/channels containing information of interest (Figure 3; Para. [0040]).

With respect to the particular step of “encoding”, as aforementioned, Elenbaas et al. is silent. In an analogous art pertaining to video systems which receive video signal containing numerous channels for viewing, the Barton et al. reference illustrates a recording device that enables a user to simultaneously watch and record programming. As illustrated in Figures 1 and 2, the system comprises a “video processor” [101] “programmed to encode at least a portion of a predetermined number of channels from the plurality of channels to provide a corresponding encoded intra and/or non-intra pictures for each of the predetermined number of channels” (Col 3, Line 30 – Col 4, Line 22; Col 6, Lines 47-58). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elenbaas et al. such that the “video processor [is] programmed to encode at least a portion of a predetermined number of channels from the plurality of channels to provide corresponding encoded intra and/or non-intra pictures for each of the predetermined number of channels” as taught by Barton et al. and to subsequently “process at least one of the corresponding intra and/or non-intra pictures for each of the predetermined number of channels” as taught by Elenbaas et al. for the purpose of advantageously providing a means for the viewer of the personalized news retrieval system to have the ability to simultaneously

record and play back TV broadcast programs in a manner that reduces processor and system requirements (Barton et al.: Col 1, Lines 52-59) and further supports the flexibility to do so for a variety or wide range of channel sources.

Claim 11 is rejected wherein the “system presents channels corresponding only ot the subset of channel indicators stored in memory” which correspond to the programming of interest as illustrated in Figure 3 of Elenbaas et al.

Claim 12 is rejected wherein the system further comprises an “audio detection circuit” [120] for “analyzing at least a portion of an audio signal in the predetermined channels to determine which of the predetermined number of channels contain programming” of interest to the user (Elenbaas et al.: Para. [0026]).

Claim 13 is rejected wherein “each encoded signal is an MPEG video signal containing pictures selected from the group comprising intra pictures or non-intra pictures” (Barton et al.: Col 6, Lines 47-58).

Claim 14 is rejected wherein the “video processor is further programmed to perform one or more of the steps selected from the group comprising . . . analyzing discrete cosine coefficients of at least one of the intra pictures in the MPEG video signal” (Elenbaas et al.: Para. [0025]).

Claim 15 is rejected wherein the “encoder encodes at least a portion of each of the plurality of channels to provide a corresponding encoded signal for each of the plurality of channels” such that all incoming channels/streams received by the Barton et al. system are encoded as MPEG2 streams by the “encoder” [101] (Barton et al.: Col 3, Lines 30-61).

In consideration of claim 16, the Elenbaas et al. reference discloses a “system for creating a subset of channels with programming from a plurality of channels” (Abstract). As illustrated in Figure 1, the system comprises a “receiver” [105] for “receiving a plurality of channels, wherein the plurality of channels comprises at least one channel with programming including video and audio” which potentially have information of interest (Para. [0017]). The system further comprises a “processor . . . and an audio detection circuit” [100/150] to “processes at least a portion of an audio signal . . . [to] determine which of the . . . channels contain programming to provide a program channel subset containing at least audio and/or video” (Para. [0026], [0027], [0030], and [0031]) and “memory” (not shown) as necessary for “storing the program channel subset” in order to facilitate the receiver to tune to the programs/channels containing information of interest (Figure 3; Para. [0040]).

With respect to the particular step of “encoding”, the reference is silent. In an analogous art pertaining to video systems which receive video signal containing numerous channels for viewing, the Barton et al. reference illustrates a recording device that enables a user to simultaneously watch and record programming. As illustrated in Figures 1 and 2, the system comprises an “encoder” for “encoding at least a portion of a predetermined number of channels from the plurality of channels to provide a corresponding encoded intra and/or non-intra pictures for each of the predetermined number of channels” (Col 3, Line 30 – Col 4, Line 22; Col 6, Lines 47-58). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Elenbaas et al. such that the to include an “encoder for encoding at least a portion of a predetermined number of channels from the plurality of channels to provide corresponding encoded intra

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and/or non-intra pictures for each of the predetermined number of channels” as taught by Barton et al. and to subsequently “process . . . at least one of the encoder and an audio detection circuit to process at least a portion of an audio signal in the predetermined number of channel from the plurality of channels” as taught by Elenbaas et al. for the purpose of advantageously providing a means for the viewer of the personalized news retrieval system to have the ability to simultaneously record and play back TV broadcast programs in a manner that reduces processor and system requirements (Barton et al.: Col 1, Lines 52-59) and further supports the flexibility to do so for a variety or wide range of channel sources.

Claim 17 is rejected wherein the “subset of channels comprises a plurality of channel indicators for identifying the channels in the subset of channels” (Elenbaas et al.: Para. [0022]).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SEB  
May 3, 2006

Scott Beliveau  
Examiner  
Art Unit 2623